

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN**

MELISSA BUCK et al.,

Plaintiffs,

v.

ROBERT GORDON, *in his official capacity  
as Director of the Michigan Department of  
Health and Human Services*, et al.,

Defendants.

Civil Action No. 19-0286

**JOINT RESPONSE TO SHOW CAUSE ORDER**

On September 23, 2022, the Court “direct[ed] the parties to show cause why the Court should not dismiss the case without prejudice but on the condition of immediate reinstatement to the current position of the case, including the order of preliminary injunction, if the Federal Defendants decide to take any action to enforce 45 C.F.R. § 75.300 against Plaintiffs or the State of Michigan.” ECF No. 117. The Court also stated, “If the parties agree with the proposed order, the Court invites submission of a stipulated order.” The parties previously conferred and were unable to reach an agreement, after which the Court ordered a briefing schedule, ECF No. 120.

Upon reviewing Plaintiffs’ proposed order, the parties are now in agreement on dismissing this case subject to the conditions laid out in that order. They therefore jointly propose the following order:

It is hereby ORDERED that Plaintiffs’ remaining claims against the United States Defendants are DISMISSED, conditional on the following:

1. Plaintiffs’ claims against the United States Defendants are dismissed without prejudice.
2. The dismissal is on the condition of immediate reinstatement to the current position of

the case, including the order of preliminary injunction, if the United States Defendants decide to take any action to enforce 45 C.F.R. § 75.300 against Plaintiffs or the State of Michigan.

Plaintiffs may file a motion to reopen the case if they believe that the second condition has been met.

Dated: November 16, 2022

Respectfully submitted,

s/ Lori H. Windham

LORI H. WINDHAM

MARK RIENZI

WILLIAM HAUN

NICHOLAS REAVES

The Becket Fund for Religious Liberty

1919 Pennsylvania Ave. NW, Ste. 400

Washington, DC 20006

(202) 955-0095

*Attorneys for Plaintiffs*

BRIAN M. BOYNTON

Principal Deputy Assistant Attorney General

MICHELLE BENNETT

Assistant Branch Director

s/ Benjamin T. Takemoto

BENJAMIN T. TAKEMOTO

(DC Bar # 1045253)

Trial Attorney

United States Department of Justice

Civil Division, Federal Programs Branch

P.O. Box No. 883, Ben Franklin Station

Washington, DC 20044

Phone: (202) 532-4252

Fax: (202) 616-8460

E-mail: benjamin.takemoto@usdoj.gov

*Attorneys for Federal Defendants*